

REMARKS/ARGUMENTS

A favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Applicants acknowledge the Examiner's detailed critique of the instant specification and the "original" claims and gratefully appreciate the suggestions proposed by the Examiner for expediting prosecution, of which many, if not all, have been adopted in this Amendment.

By the foregoing amendment to the specification, the "original" Abstract has been replaced by a "new" Abstract.

Claims 1-11 were presented for examination, and Claims 1, 3, 4 and 12-17 are now present in the case.

Claim 2 has been cancelled and replaced by "new" Claim 12.

Claims 5 and 6 have been cancelled and replaced by "new" Claims 13 and 14, respectively.

Claims 7-9 have been cancelled without replacement.

Claims 10 and 11 have been cancelled and replaced by "new" Claims 15 and 16, respectively.

"New" Claim 17 has been added, support for which may be found in Claim 1 coupled with the disclosure on Page 2, lines 3-11.

The Examiner's objection to the "original" Abstract is believed to have been overcome by the submission of a "new" Abstract which is believed to be more acceptable.

The Examiner's objection to Claim 8 under 37 CFR 1.75 as being a duplicate of Claim 1 is believed to have been mooted by the cancellation of said claim.

The Examiner has rejected Claim 2 under the second paragraph of 35 USC 112 as being "indefinite". This rejection is believed to have been overcome by the cancellation of Claim 2 and its replacement with "new" Claim 12.

Claims 5 and 6 (inadvertently referred to by the Examiner as Claims 5-7) have been rejected under the second paragraph of 35 USC 112 as being incomplete for omitting essential steps. This rejection is believed to have been overcome by the cancellation of Claims 5 and 6 and their replacement with "new" Claims 13 and 14, respectively.

The Examiner's rejection of Claim 7 under the second paragraph of 35 USC 112 as being "indefinite" is believed to have been mooted by the cancellation of said claims.

The Examiner's rejection of Claims 8 and 9 under 35 USC 101 as being "non-statutory" is believed to have been mooted by the cancellation of said claims.

The Examiner has rejected Claims 10 and 11 under the second paragraph of 35 USC 112 as being "indefinite". This rejection is believed to have been overcome by the cancellation of Claims 10 and 11 and their replacement with "new" Claims 15 and 16. More particularly, the passage "a disease or condition in which bradykinin B₁ receptor activation plays a role or is implicated" objected to by the Examiner has been replaced by a more acceptable passage in "new" Claim 15, whereas all language relating to its intended use has been excluded from "new" Claim 16.

Lastly, the Examiner has rejected Claims 9-11 under the first paragraph of 35 USC 112 for lack of enablement. Although the Examiner acknowledges that the instant specification is enabling for preventing pain, he contends that it is not enabling for preventing any other diseases. In this connection, the tenor of the Examiner's comments regarding this rejection appears to revolve around the terms "prevention" and "preventing" which appear in said claims.

First of all, Claim 9 has been cancelled. Secondly, Claim 10 has been replaced by "new" Claim 15, which claim is believed to contain a more acceptable passage and does not contain the term "prevention" and "preventing". Thirdly, Claim 11 has been replaced by "new" Claim 16, which claim is devoid of any "use" language. However, to the extent that this rejection has not been overcome by the cancellation of Claim 9 and the replacement of Claims 10 and 11 with "new" Claims 15 and 16, respectively, then this rejection is traversed.

Since the instant specification discloses a test method which is utilized for determining the usefulness of a compound as a bradykinin B₁ receptor antagonist (see, in this connection, Page 19, line 1 to Page 20, last line), coupled with the test results set forth on Page 20, last four lines, it is clear that all of the compounds of the instant claims exhibit bradykinin B₁ receptor antagonist activity and, therefore, share the same pharmacological reactivity. Accordingly, there can be no question that one skilled in the art would conclude that all of the compounds embraced by the instant claims would be useful in treating all diseases responsive to the antagonism of bradykinin activity, i.e., those disclosed in the instant specification, those disclosed in the literature and heretofore undisclosed indications which respond to the antagonism of bradykinin activity.

In view of the foregoing, it is clear that there is simply no basis for "lodging" a "non-enabling" rejection under the first paragraph of 35 USC 112 against "new" Claims 15 and 16.

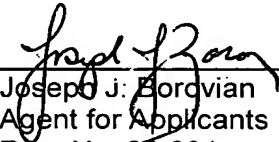
Applicants additionally acknowledge the Examiner's indication that Claims 1, 3 and 4 are allowed. However, in view of the foregoing amendments and remarks, it is Applicants' belief that "new" Claims 12-17 are allowable.

All of the objections and rejections of record having been overcome, the instant application is deemed to be in condition for allowance, and an early notice to that effect is earnestly solicited.

Six "new" claims were added by this Amendment, including two independent claims. Although the total number of claims now present in the case does not exceed the highest number previously paid for, the total number of independent claims exceeds the highest number previously paid for by one. Moreover, since this Amendment will be deemed to have been filed more than four months from, but within five months of, the date of the Office Action (i.e., March 7, 2003), it is respectfully requested that the period for filing a response to said Office Action be extended by two months. Please charge the \$84.00 required by 37 CFR 1.16(b) for an extra independent claim and the \$410.00 required by 37 CFR 1.17(a)(2) for a two-month extension of time, i.e., a total fee of \$494.00, to Deposit Account No. 19-0134 in the name of Novartis Corporation. In this connection, an additional copy of this page is appended.

Respectfully submitted,

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